

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SEEMA KHAN

Plaintiff,

v.

WORLD SAVINGS BANK, FSB,

Defendant.

Case No.: 10-CV-04057-LHK

ORDER SANCTIONING ATTORNEY
WENDELL J. JONES

For the reasons set forth below, the Court orders a sanction of \$1,000, to be paid to the Clerk of Court for the United States District Court, Northern District of California, by attorney Wendell J. Jones. This payment is due by April 15, 2011. Mr. Jones must pay this sanction personally, and may not pass it on to his clients. Mr. Jones must report this sanction to the State Bar of California. *See* Bus. & Prof. Code § 6068(o). In addition, this Court will forward a copy of this Order to the State Bar.

Mr. Jones has repeatedly failed to respond to deadlines set by the local rules and the orders of this Court. In so doing, Mr. Jones has abandoned his client in the above-captioned case and in another case, *Khan v. World Savings Bank, FSB*, No. 10-cv-04305, also pending before this Court. As outlined in the Order to Show Cause Why Sanctions Should Not Be Imposed, Mr. Jones has failed to respond to numerous deadlines, despite being given repeated notice by this Court that such failure could lead to sanctions:

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2 1. Case No. 10-cv-04057 (the instant case)3 August 2, 2010: Mr. Jones files a complaint on behalf of Ms. Khan in Santa Clara
4 County Superior Court

5 September 9, 2010: Removal by defendant World Savings Bank, FSB (WSB)

6 September 16, 2010: Motions to Dismiss and Strike filed by WSB

7 October 12, 2010: Due date for Oppositions or Statements of Nonopposition to Motions
8 to Dismiss and Strike - None are filed, in violation of Local Rule 7-3(b)

9 October 28, 2010: Case is reassigned to the undersigned

10 November 2, 2010: Mr. Jones submits a proposed "Consent Order Granting Substitution
11 of Attorney" seeking to substitute Ms. Khan as counsel for herself, without complying
12 with Local Rule 11-5(b), giving notice to Ms. Khan, or providing her with time to
13 employ other counsel14 November 3, 2010: The Court denies Mr. Jones' request to substitute counsel, holding
15 that if he wishes to withdraw, he must move to withdraw, provide notice to Ms. Khan,
16 and provide her with an opportunity to employ other counsel, per Local Rule 11-5(b).
17 In the Order, the Court notes Mr. Jones' failure to respond to the Motion to Dismiss,
18 and notes that such failure can lead to sanctions.

19 November 3, 2010: WSB files Amended Motions to Dismiss and Strike

20 November 18, 2010: The Court orders that Mr. Jones submit an Opposition or
21 Statement of Nonopposition to the Motion to Dismiss by December 13, 2010.22 December 13, 2010: No Opposition or Statement of Nonopposition to the Amended
23 Motion to Dismiss is filed, in violation of Local Rule 7-3(b) and the Court's November
24 18, 2010 Order25 January 6, 2011: No Opposition or Statement of Nonopposition to the Amended Motion
26 to Strike is filed, in violation of Local Rule 7-3(b)27 January 11, 2011: Court issues an Order to Show Cause why Mr. Jones should not be
28 sanctioned for failures to follow local rules. The Order sets a response deadline of
February 17, 2011 and a hearing date of March 17, 2011.February 17, 2011: Mr. Jones fails to respond to the Court's Order to Show Cause.March 17, 2011: Mr. Jones fails to appear in Court for the hearing on the Order to Show
Cause.2. *Khan v. World Savings Bank*, FSB, No. 10-cv-04305 LHKAugust 18, 2010: Mr. Jones files another complaint in Santa Clara County Superior
Court on behalf of Ms. Khan

September 23, 2010: Removal by defendant WSB

October 4, 2010: Reassigned to the undersigned

October 12, 2010: Motion to Dismiss filed by WSB

December 30, 2010: Due date for Opposition or Statement of Nonopposition to Motion to Dismiss - None is filed, in violation of Local Rule 7-3(b)

January 21, 2011: Court issues an Order to Show Cause why Mr. Jones should not be sanctioned for failures to follow local rules. The Order sets a response deadline of February 17, 2011 and a hearing date of March 17, 2011.

February 17, 2011: Mr. Jones fails to respond to the Court's Order to Show Cause.

March 17, 2011: Mr. Jones fails to appear in Court for the hearing on the Order to Show Cause.

3. *Jones v. PNC Bank, NA*, Case No. 10-01077

February 1, 2010: Mr. Jones files a complaint in Santa Clara County Superior Court on his own behalf

March 12, 2010: Removal by defendant PNC

March 19, 2010: PNC files Motions to Dismiss and Strike

May 4, 2010: Due date for Opposition or Statement of Nonopposition to Motions to Dismiss and Strike- None is filed, in violation of Local Rule 7-3(b)

August 2, 2010: Case is reassigned to the undersigned

August 20, 2010: Court dismisses case, noting Mr. Jones' failure to follow Local Rule 7-3(b)

4. *Huerta v. Ocwen Loan Servicing, Inc.*, No. 09-cv-05822

In a case before Judge Fogel of this district, Mr. Jones fails to file an opposition or statement of nonopposition in response to a Motion to Dismiss, as noted in Judge Fogel's Order of June 16, 2010. *See* Dkt. No. 26. *Huerta v. Ocwen Loan Servicing, Inc.*, No. 09-cv-05822, 2010 U.S. Dist. LEXIS 59750 at *3 (N.D. Cal. June 16, 2010).

The Court notes that in addition to the above actions, Mr. Jones has failed to oppose or file statements of nonopposition in the following matters within this judicial district: *Phillips v. Bank of Am. Corp.*, No. C 10-0400 JF, 2010 U.S. Dist. LEXIS 35131 at *1 (N.D. Cal. Apr. 9, 2010); *Williams v. Wells Fargo Bank, N.A.*, No. C 10-00399 JF, 2010 U.S. Dist. LEXIS 36247 at *1 (N.D. Cal. Apr. 13, 2010); *Mendoza v. CitiMortgage, Inc.*, No. 10-CV-03550-LHK at *1, 2011 U.S. Dist. LEXIS 16769 (N.D. Cal. Feb. 18, 2011); *Periera v. JP Morgan Chase Bank*, No. 10-CV-00648 PVT (N.D. Cal. 2010) (see Dkt. No. 9). Although these other matters are not the basis for the

sanctions imposed by the undersigned Judge, the Court notes that Mr. Jones has engaged in a disturbing pattern and practice of failure to follow the Local Rules and to represent his clients.¹

IT IS SO ORDERED.

Dated: March 21, 2011


LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California

¹ The website of the Law Offices of Wendell J. Jones states that “we help people in financial distress” and that Mr. Jones’ specific areas of practice include “mortgage law, foreclosure defense, loan modification and bankruptcy.”